

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CRIMINAL ACTION
)	
Plaintiff,)	CASE NUMBER 1:16 CR 258
)	
vs.)	
)	JUDGMENT
DELANTE L. LUNN,)	
)	
Defendant.)	

The above-captioned case came before this Court for a trial by jury. At the conclusion of the trial, the Jury returned two unanimous Verdicts of guilty on Counts One and Two of the Indictment against the Defendant Delante L. Lunn, plus a unanimous finding that the government had proven the penalty charge enhancement on Count One beyond a reasonable doubt.

Defendant Delante L. Lunn was charged with five crimes in the Indictment. In Count One Defendant was charged with distribution of a mixture or substance containing a detectable amount of heroin and fentanyl, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C) and with an enhanced penalty under 21 U.S.C. §841(b)(1)(C) of Death or Serious Bodily Injury resulting from Use of Controlled Substance. In Counts Two, Three and Four, Defendant was charged with knowingly and intentionally using a communication facility, to wit, a telephone, to facilitate acts constituting a felony under Title 21, United States Code Section 843(a)(1), in violation of Title 21, United States Code, Section 843(b). In Count Five, Defendant was charged with distribution of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled

substance, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C).¹

The trial commenced on February 12, 2018. Count Three of the Indictment was dismissed by the United States without objection from the Defendant. A Jury of twelve was selected with four alternates. Opening statements of counsel were made. The United States called the following witness(es): (1) Roma Black; (2) Heather Nelson; (3) Sarah Allen; (4) Sgt Vincent Ligas; (5) Special Agent Casey Carty; and (6) John Capp. Court was adjourned until February 13, 2018 at 8:15 a.m.

The trial continued on February 13, 2018. The United States called the following witness(es): (7) Elizabeth Doyle; (8) Kevin Shanks; (9) Dr. Frank Miller; (10) Mariko Kato; (11) Brianna Robertson; and (12) Melissa Cjeszynski. Court was adjourned until February 14, 2018 at 8:15 a.m.

The trial continued on February 14, 2018. The United States called the following witness(es): (13) Detective Christopher Constantino; (14) Detective Straub; and (15) Special Agent Casey Carty. The United States rests. Defendant's Motion pursuant to Crim. R. 29 is overruled. Defendant calls the following witness(es): (1) Dr. Richard Bellato. Defendant rests. Court gives preliminary instructions of law to Jury. Closing arguments of counsel were made. The Court gives final instructions to Jury. The Alternate Jurors were excused and the Jury thereafter retired to deliberate. Court was adjourned until February 15, 2018 at 8:15 a.m.

The trial continued on February 15, 2018. Jury deliberations continue. The Jury, in open court, returned unanimous Verdicts of Guilty on Counts One and Two of the Indictment. The

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Defendant entered a plea of guilty as to Counts Four and Five of the Indictment on June 16, 2018.

Verdicts were as follows:

VERDICT FORM

COUNT 1

We the Jury, being duly impaneled and sworn, find the Defendant Delante L. Lunn, Guilty (insert in ink guilty or not guilty) of distribution of a mixture or substance containing a detectable amount of heroin and fenanyl, in violation of Title 21, United States Code Section 841(a)(1) and (b)(1)(C) as charged in Count 1 of the Indictment.

If you answered Guilty to Count 1, answer question 1(a). If your verdict was Not Guilty on Count 1, do not answer question 1(a) and sign the Verdict Form.

Question 1(a). With respect to Count 1, do you unanimously find that the government proved beyond a reasonable doubt that death resulted from the use of heroin and fentanyl distributed by the Defendant, Delante L. Lunn. (indicate answer by checking one line below):

 x YES

 NO

VERDICT FORM

COUNT 2

We the Jury, being duly impaneled and sworn, find the Defendant Delante L. Lunn, Guilty (insert in ink guilty or not guilty) of knowingly and intentionally using a communication facility, to wit: a telephone, to facilitate acts constituting a felony under Title 21, United States Code Section 843(a)(1), in violation of Title 21, United States Code, Section 843(b), as charged in Count 2 of the Indictment.

The Court read the Verdicts in open court, and thereafter, the Court polled the Jury as to its Verdicts pursuant to Rule 31(d) of the Federal Rules of Criminal Procedure. Each Juror

affirmatively responded to the correctness of the Verdicts. The Court accepted the Jury's Verdicts. The Jury was discharged. The Defendant was referred to the Probation Department for a pre-sentence report. Sentencing was set for May 15, 2018 at 10:00 a.m. Court was adjourned.

IT IS SO ORDERED.

DATE: February 21, 2018

Donald C. Nugent
DONALD C. NUGENT
UNITED STATES DISTRICT JUDGE